

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3770 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BHAGWANBHAI VAJUBHAI RABADIA

Versus

COMMISSIONER OF SURAT

MUNICIPAL CORPORATION

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Appearance:

MR KR RAVAL for Petitioner

MR PRASHANT G DESAI for Respondent No. 1

SERVED BY DS for Respondent No. 3, 4

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CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE M.S.SHAH

Date of decision: 06/01/97

ORAL JUDGEMENT

The petitioner has filed this petition on the apprehension that the Surat Municipal Corporation is likely to allot the vacant land adjoining to the petitioner's premises to hutment dwellers without first

providing for the basic facilities, which may result into deterioration of environment surrounding the petitioner's premises.

2. Mr. Raval submitted that this petition is filed with a view to see that basic amenities are provided to the hutment dwellers before allotting land to them.

3. We put a pointed question to the learned advocate as to whether the land in question has been declared as 'surplus land' by the Government under the Urban Land (Ceiling & Regulation) Act, and with whom the land now vests? Learned Advocate was unable to answer this query.

4. Mr. Desai, learned Advocate for the Municipal Corporation submitted that an appeal is pending against the order passed by the competent authority, and, therefore, the land cannot be said to be declared as surplus. In the circumstances, there is no question of allotting this land to anyone at this stage. Hence, there is no merit in this petition. This petition stands dismissed. Notice is discharged; no order as to costs.

csm./ -----